IN THE CLAIMS

Claim 1 (Currently Amended): A hybrid construction machine comprising:

~~constructed to drive~~ a work tool;

an engine;

a main battery;

an auxiliary battery;

a power generator to be driven by the engine;

at least two electric motors, at least one of said electric motors being adapted to operate said work tool, the electric motors ~~(6, 7, 13, 15, 23, 25)~~ being driven by ~~means of~~ power of ~~a~~ at least one of the power generator, the auxiliary battery and the main battery, ~~(11) to be driven by an the engine (10), a power generator (11) to be driven by an engine~~ wherein ~~power of an~~ the auxiliary battery ~~(42)~~ and ~~power of a~~ the main battery ~~(12)~~ are to be charged with the power of the power generator ~~(11), comprising:~~; and

a switch ~~(43)~~ for switching ~~to~~ drive of the electric motors between ~~(6, 7, 13, 15, 23, 25) by means of~~ normal power of at least one of the power generator ~~(11)~~ and the main battery ~~(12)~~ in a normal operation state, and ~~to drive the electric motors (6, 7, 13, 15, 23, 25) by means of~~ auxiliary power of the auxiliary battery ~~(42)~~ in an ~~emergent~~ emergency operation state ~~that~~ wherein the electric motors ~~(6, 7, 13, 15, 23, 25)~~ can not be driven by ~~means of~~ the normal power.

Claim 2 (Currently Amended): The hybrid construction machine according to claim 1, further comprising an actuator-selecting switch ~~(54)~~ for selecting at least one of the electric

motors ~~(6, 7, 13, 15, 23, 25)~~ to be driven by means of the auxiliary power in the emergency ~~emergent~~ operation state.

Claim 3 (Original): The hybrid construction machine according to claim 1 or 2, wherein the hybrid construction machine is a hybrid excavator.

Claim 4 (Currently Amended): A control apparatus of a hybrid construction machine for executing works by charging a main battery ~~(12)~~ with power of a power generator ~~(11)~~ to be driven by an engine ~~(10)~~ and driving electric motors ~~(6, 7, 13, 15, 23, 25)~~ by means of power discharged from at least the main battery ~~(12)~~, comprising:

a generator output control body ~~(51)~~ for varying power output from the power generator ~~(11)~~ in accordance with content of work performed by the hybrid construction machine.

Claim 5 (Currently Amended): The control apparatus of a hybrid construction machine according to claim 4, further comprising:

a manipulating lever ~~(45)~~ to be manipulated by an operator; and

a work determination body ~~(46)~~ for determining the content of the work on the basis of a manipulating signal from the manipulating lever ~~(45)~~ and outputting the content of the work to the generator output control body ~~(51)~~.

Claim 6 (Currently Amended): The control apparatus of a hybrid construction

machine according to claim 4, further comprising:

a work mode switch ~~(49)~~ with which the content of work can be ~~appointed~~ selected by an operator; and

a switch detection body ~~(50)~~ for detecting the content of the work ~~appointed~~ selected with the work mode switch ~~(49)~~ and outputting the content of the work to the generator output control body ~~(51)~~.

Claim 7 (Currently Amended): A control apparatus of a hybrid construction machine for executing ~~works~~ work by charging a main battery ~~(12)~~ with power of a power generator ~~(11)~~ to be driven by an engine ~~(10)~~ and driving electric motors ~~(6, 7, 13, 15, 23, 25)~~ by means of power of at least one of the power generator ~~(11)~~ and the main battery ~~(12)~~, comprising:

a work speed regulation body ~~(47)~~ for regulating work speed in accordance with content of the work when power of the power generator ~~(11)~~ is a predetermined value or less.

Claim 8 (Currently Amended): The control apparatus of a hybrid construction machine according to claim 7, further comprising

a manipulating lever ~~(45)~~ to be manipulated by an operator; and

a work determination body ~~(46)~~ for determining the content of work on the basis of manipulating signal from the manipulating lever ~~(45)~~ and outputting the content of the work to the work speed regulation body ~~(47)~~.

Claim 9 (Currently Amended): The control apparatus of a hybrid construction

machine according to claim 7, further comprising:

a work mode switch ~~(49)~~ with which the content of work can be ~~appointed~~ selected by an operator, and

a switch detection body ~~(50)~~ for detecting the content of the work ~~appointed~~ selected with the work mode switch ~~(49)~~ and outputting the content of the work to the work speed regulation body ~~(47)~~.

Claim 10 (Original): The control apparatus of a hybrid construction machine according to any of claims 4 to 9, wherein the hybrid construction machine is a hybrid excavator.